

Appl. No. 10/687,217  
Amdt. dated December 14, 2007  
Reply to Advisory Action of December 14, 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Eduard K. de Jong  
Assignee: Sun Microsystems, Inc.  
Title: ACCESSING IN A RIGHTS LOCKER SYSTEM FOR DIGITAL CONTENT ACCESS CONTROL  
Serial No.: 10/687,217 Filed: October 15, 2003  
Examiner: David Garcia Cervetti Group Art 2136  
Unit:  
Docket No.: SUN040202

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION INCLUDING STATEMENT UNDER 37 CFR 3.73(b)**

Sir:

The owner, Sun Microsystems, Inc., a Delaware corporation, having a place of business at 10 Network Circle, Menlo Park, CA 94025, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/687,488, filed on October 15, 2003 as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** Application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** Application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** Application are commonly owned. This agreement runs with any

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patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference Application**, "as the term of any patent granted on said **reference Application** may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference Application**," in the event that: any such patent granted on the pending **reference Application** expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) represents that she/he is a representative empowered to act on behalf of the owner.

The owner states that it is the assignee of the entire right, title, and interest in the instant application by virtue of an Assignment from the inventor(s) of the instant application to Sun Microsystems, Inc. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame 014617/0956.

The owner also states that it is the assignee of the entire right, title, and interest in the **reference Application** Serial No. 10/687,488 by virtue of an Assignment from the inventor(s) of the **reference Application** to Sun Microsystems, Inc. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame 014618/0713.

The undersigned hereby declares that all statements made herein of her/his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

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1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dec. 11, 2007

Date

George Simion

Signature  
Mr. George Simion, Esq.  
Senior Patent Counsel  
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